

South Dakota Courts
State Fiscal Year 2017
Annual Statistical Report of the
South Dakota Unified Judicial System

Chief Justice

David Gilbertson

State Court Administrator

Greg Sattizahn

November 2017



South Dakota Unified Judicial System

Our mission:
Justice for All

Our vision:
We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.

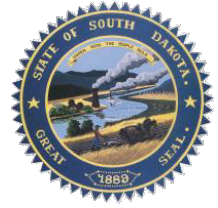
Members of the South Dakota Supreme Court in 2017



Justices of the Supreme Court, left to right: Hon. Janine M. Kern, Rapid City, First District; Hon. Steven L. Zinter, Fort Pierre, Third District; Hon. David Gilbertson, Chief Justice, Lake City, Fifth District; Hon. Glen A. Severson, Sioux Falls, Second District; and Hon. Steven R. Jensen, Dakota Dunes, Fourth District.



State of South Dakota
Unified Judicial System
Office of the State Court Administrator



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November 2017

Dear Friends:

The enclosed Annual Report highlights the workload and other activities undertaken by the Unified Judicial System from July 1, 2016 through June 30, 2017. This information is compiled and maintained by the State Court Administrator's Office and encompasses the work of South Dakota's Supreme Court, Circuit Courts, Magistrate Courts and the State Court Administrator's Office.

Each year the State Court Administrator's Office staff examines and verifies the data contained in this Annual Report. This information is essential for allocating judicial resources, providing oversight to the work of the courts, communicating information and ultimately providing a path for the management of the Unified Judicial System. The Annual Report also provides information to policy makers, court users and the public about the work of the courts and is an important component in ensuring public trust and confidence in the judicial branch.

The statistics presented in this Annual Report would not be possible without the contributions of all our judicial personnel and the vital component they play in the process of reporting quality data. Should information you seek about the courts not be found in this Report nor on our website, please contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Sattizahn", with a long, sweeping horizontal line extending to the right.

Gregory Sattizahn
State Court Administrator

Our Mission: Justice for All
Our Vision: We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.

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South Dakota Unified Judicial System



Justice in the Balance: Courts Work for South Dakotans

There is much more to the work of the courts than the occasional high-profile case that attracts public attention. The bulk of our work involves everyday problems that affect South Dakotans.

<p>Abused and Neglected Children</p> <p>Our courts play a life-altering role in the lives of abused and neglected children. They decide whether to:</p> <ul style="list-style-type: none"> • Remove a child from a parent • Place a child in foster care • Reunite a child and parent or terminate parental rights • Allow adoption of a child <p>There is no greater responsibility of the judiciary than determining the best interest of a South Dakota child. In FY17, South Dakota's courts presided over 562 Juvenile Abuse and Neglect cases.</p>	<p>Victims Seeking Protection</p> <p>By issuing no-contact and protective orders, South Dakota's courts help shield victims of violence, abuse, and harassment from further harm. The vast majority of these are handled by parties representing themselves (without help from lawyers). In FY17, South Dakota judges processed:</p> <ul style="list-style-type: none"> • 4,589 petitions for protection orders which included: <ul style="list-style-type: none"> ○ 2,550 domestic actions ○ 2,039 stalking actions <p>Clerk of Court offices then notify local law enforcement officials and the Department of Public Safety of every order.</p>
<p>Troubled Youth</p> <p>South Dakota's court services officers, staff, and judges continuously work with thousands of troubled youth and their families to:</p> <ul style="list-style-type: none"> • Ensure community safety • Hold young people accountable for their actions, including paying restitution to victims • Influence behavioral changes • Provide resources to assist families <p>During FY17, CSOs worked with 502 youth to address their conduct without formal delinquency or CHINS petitions being filed. They also supervised 2,263 youth on formal probation and supervised another 203 juveniles via case service monitoring. In totality, the court handled:</p> <ul style="list-style-type: none"> • 4,177 juvenile delinquency and CHINS cases 	<p>Families in Turmoil</p> <p>The problems of families in crisis demand a significant amount of court time and resources. In FY17, South Dakota's courts handled:</p> <ul style="list-style-type: none"> • 4,413 divorce cases • 7,342 child support modification and foreign child support cases • 4,789 mental health and drug and alcohol commitment cases • 1,327 adoption, guardianship and trust cases <p>To assist these families, the UJS provides self-represented litigants with UJS approved forms, which include divorce and parenting time enforcement.</p>

Justice in the Balance: Courts Work for South Dakotans (Cont.)

<p>Civil Justice</p> <p>South Dakotans from every walk of life, whether in their private or business relationships, rely on the courts to resolve their civil legal problems. Providing a forum for the effective resolution of these disputes is an essential part of the mission of the courts. In FY17, our courts handled:</p> <ul style="list-style-type: none"> • 28,916 small claims cases • 13,189 contract cases, liability and malpractice cases, employment issues, law and equity matters, and tort claims • 2,462 probate cases • 186 judicial review of agency action cases and expungement filings <p>Civil cases can take anywhere from months to years before they are resolved, depending on a variety of factors. As a result, the courts experience an overlap in civil cases from year to year.</p> <p>The clerks of court offices are responsible for case processing and ensuring a sufficient pool of jurors are available for any trials.</p>	<p>Criminal Justice</p> <p>Criminal cases dominate court time and resources. South Dakota’s judges and court staff spend more time on criminal cases than on any other type of case. During FY17, our courts heard:</p> <ul style="list-style-type: none"> • 11,512 felony or extradited cases • 21,884 aggravated or serious misdemeanor cases, of which 42.0% (9,190) were 1st and 2nd offense (Class 1 Misdemeanor) DUI cases • 19,670 contested Class 2 misdemeanor cases. • 94,561 uncontested Class 2 misdemeanor matters were processed by clerks of court <p>In addition, court services officers formally supervised 9,075 cases in felony matters, and 1,000 cases on misdemeanor cases, plus informally supervised another 1,400 cases via case service monitoring.</p>
<p>Collection of Money</p> <p>While the court system does not generate revenue for its own sustainability, it is responsible for taking in and distributing fines, fees, penalties, and costs that are owing to victims, cities, counties, school districts, and the state. In FY17, clerks of court receipted (along with other amounts) the following:</p> <ul style="list-style-type: none"> • \$3,011,293 for victims of crime • \$8,847,534 for school districts • \$75,639 for local domestic abuse programs • \$301,676 for advocates and attorneys for abused and neglected children • \$2,470,753 for court appointed attorneys, public defenders, and other legal aid • \$496,642 for municipal general funds • \$3,954,377 for county general funds • \$325,379 for other state funds • \$6,288,250 for court automation • \$3,117,318 for law enforcement officer and judicial education and training 	<p>Case History Information and Other Services</p> <p>South Dakota’s employers, landlords, media, and general public rely on our clerks of court for accurate information about criminal defendants, sentencing histories, and money owed on judgments. In FY17, the clerks responded to 192,131 requests for records.</p> <p>In addition, the circuit clerks of court handled:</p> <ul style="list-style-type: none"> • 724 passport applications • 632 weddings <p>The Clerk of the Supreme Court processed:</p> <ul style="list-style-type: none"> • 271 appeals • 29 intermediate appeals • 66 original proceedings • 1,145 orders, writs, and judgments <p>The Board of Bar Examiners processed 164 applications from those seeking admission to practice law here.</p>

SUPREME COURT

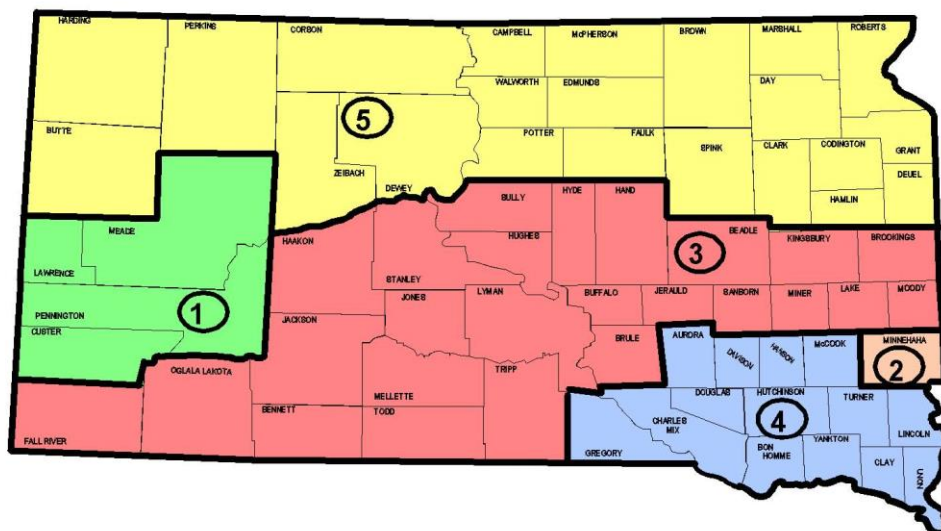
The South Dakota Supreme Court is the state's highest court and the court of last resort for state appellate actions. The Supreme Court is comprised of the chief justice, who is the administrative head of the Unified Judicial System, and four justices who are entrusted to deliver the final judicial authority on all matters involving the legal and judicial system of South Dakota.

Chief Justice and Four Justices Duties and Responsibilities of the Supreme Court

- Original jurisdiction in cases involving interests of the state
- Issues original and remedial writs
- Renders advisory opinions to Governor on issues involving executive power
- Appellate jurisdiction over circuit court decisions
- Rule-making authority over court practice and procedure
- Administrative leadership for the legal and judicial system
- Controls admissions to and disciplines members of the State Bar

Pursuant to a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map below).

South Dakota Supreme Court Appointment Districts
Effective January 23, 2012



Supreme Court Workload

The workload of the Supreme Court is shown below and on the following page. The categories noted are those most commonly used within the Supreme Court.

“Intermediate Appeals” are appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

“Notice of Review” is filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“Summary Dispositions” are appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL §15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

“Pending Cases” are cases which have been filed with the Court but in which no decision has been entered.

“Administrative, Judicial, Legal Research, Law Library and Bar Admissions” are all part of the workload within the Supreme Court.

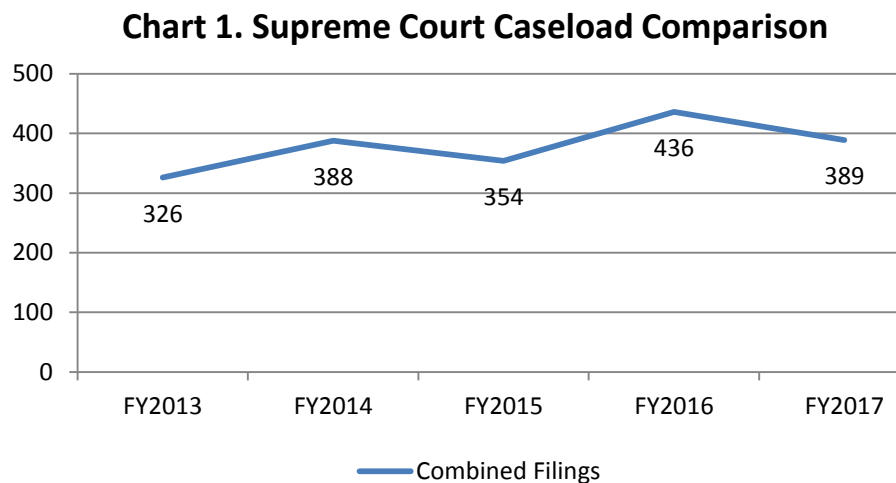


Table 2. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

Fiscal Year:	FY2013	FY2014	FY2015	FY2016	FY2017
<u>FILINGS:</u>					
Appeals	260	290	282	298	271
Intermediate Appeals	19	38	28	83	29
Original Proceedings	25	28	24	30	66
Notice of Review	9	18	11	12	13
Certificates of Probable Cause	12	13	9	12	10
Reinstatements	1	1	0	1	0
Rehearings Granted	0	0	0	0	0
COMBINED FILINGS	326	388	354	436	389
<u>DISPOSITIONS:</u>					
Appeals / Original Proceedings	120/123	102/110	114/132	108/114	97/149
Orders of Dismissal/Dispositional Remands	119	108	109	103	97
Denial of Intermediate Appeals	13	27	11	28	20
Original Proceedings (by Order)	26	28	26	24	60
Dispositive Remand	0	0	1	0	1
Summary Dispositions	93	74	84	84	109
COMBINED DISPOSITIONS	374	347	363	353	436
<u>PENDING CASES:</u>					
Submitted and Pending	31	35	27	23	28
Ready for Submission	33	45	48	44	32
Not Ready for Calendar	80	109	115	120	107
Other (in Suspense)	4	4	4	3	4
TOTAL PENDING CASES AT YEAR-END	148	193	194	190	171
<u>ADMINISTRATIVE:</u>					
Hearings on Rules and Related Matters	1	2	2	2	3
Internal Procedure Rules Adopted or Amended	1	4	5	7	4
Supreme Court Rules Adopted or Amended	8	19	14	125	7
Administrative Conferences	25	24	23	22	21
<u>JUDICIAL:</u>					
Orders, Writs and Judgments Entered	1185	1180	1170	1150	1145
Bar Admissions (includes reciprocity)	129	116	99	96	91
Bar Admissions (pursuant to SDCL 16-18-2)	8	6	11	18	15
Oral Arguments (Actions/Submission)	42/47	32/35	34/37	32/42	26/36
Cases Submitted on Briefs	125/131	101	147/156	141/159	160/192
Case Conference Days	20	18	19	19	18
<u>LEGAL RESEARCH:</u>					
Appeals Screened	326	388	354	436	389
Cases Briefs Were Received In	218	228	223	235	238
Per Curiams Assigned	31	33	36	37	31
<u>BAR ADMISSIONS:</u>					
Applications Processed	128	137	141	156	164
Bar Inquiries Answered	1200	1250	1300	1350	1425

JUDICIAL QUALIFICATIONS COMMISSION

The authority for creation of the Judicial Qualifications Commission is granted by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the judicial conference; three members of the bar practicing law but no more than two of whom may be of the same political party and they must be appointed by a majority vote of the state bar commissioners; and two citizens, who are appointed by the Governor, who are not of the same political party. The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission. The purpose of the Judicial Qualifications Commission is to:

- * Receive and investigate complaints against justices or judges
- * Conduct confidential hearings to determine whether complaints are justified
- * Recommend censure, removal or retirement of a judge to the Supreme Court
- * Investigate applicants for vacancies on the Supreme Court or circuit court bench
- * Nominate two or more of the most qualified applicants to the Governor

Chart 2. JQC Complaints Received

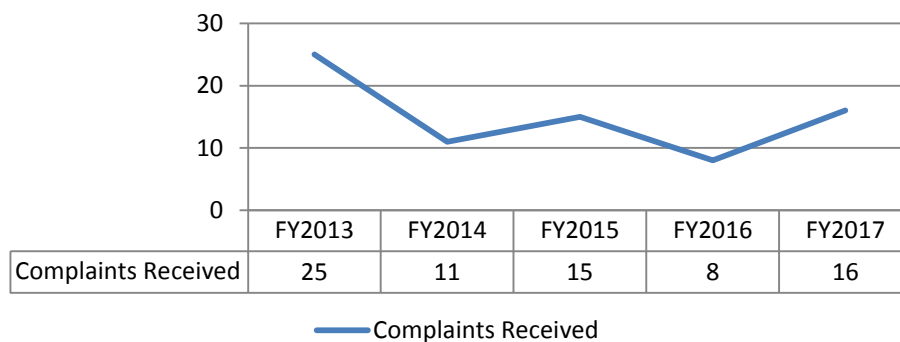


Chart 3. JQC Investigations of Applicants

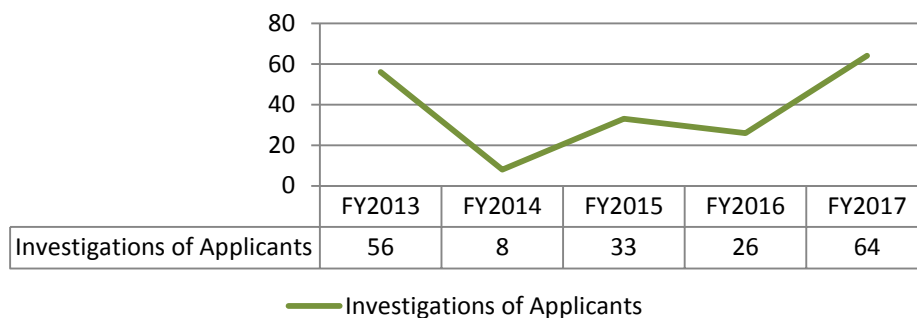


Table 3.
Judicial Qualifications Commission
Complaints Received and Dispositions

	FY2013	FY2014	FY2015	FY2016	FY2017
Oral Complaints/Inquiries (No action by JQC)	0	0	0	0	0
Written Complaints Received ¹	25	11	15	8	16
Complaints Disposed of ²	22	12	14	7	16
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	14	7	2	0	3
Divorce/Child Custody/Child Support Issues	1	4	3	2	4
Protection Order Cases	1	0	2	1	1
Civil Trial Issues (Includes Decisions)	5	0	2	1	0
Criminal Trial Issues (Includes Sentencing)	1	7	3	2	7
Personal Conduct	1	0	1	1	0
Small Claims	1	1	2	2	1
Guardianship/Conservatorship	0	1	0	0	0
Unknown	0	0	0	0	0
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	18	8	6	1	5
On Bench Abuse of Authority	9	3	2	1	4
Lack of Demeanor/Decorum	4	1	3	1	0
Bias/Appearance of Bias	15	10	9	5	6
Unhappy with Result	9	3	1	1	8
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative)	12	0	0	0	0
b. Lack of Jurisdiction ³	5	0	2	0	0
c. Resigned Due to JQC Investigation	0	0	0	0	0
d. Unsubstantiated	0	0	3	0	3
e. No Violation Found	9	11	8	6	12
2. Private Reprimand	2	1	0	1	0
3. Deferred Disciplinary Agreement	0	0	0	0	1
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	0	0
JQC Applicants:					
Judicial Vacancies	6	1	4	3	8
Applicant Interviews	56	8	33	26	64
Investigation of Applicants	56	8	33	26	64

¹Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

²Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

³JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.

STATE COURT ADMINISTRATOR'S OFFICE

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, the State Court Administrator is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts. The State Court Administrator serves as the liaison between the judicial branch and the other branches of state and local government. To ensure efficient and responsive operation, the State Court Administrator's Office (SCAO) provides centralized administrative assistance and support services to the entire Unified Judicial System. Information regarding the SCAO is available on our website at: [http://ujls.sd.gov/About the Courts/structure.aspx](http://ujls.sd.gov/About%20the%20Courts/structure.aspx).

The following is a brief summary of the functions of the SCAO:

- * Assists in the formulation of fundamental policies, principles, and standards for court administration in South Dakota including initiating, researching, developing, implementing, and evaluating proposed policies, principles, and standards
- * Facilitates cooperation, consultation, and exchange of information by and among the circuit courts, the State Court Administrator's Office, the Supreme Court, and with national, state, local offices and organizations directly concerned with court administration, including tribal entities
- * Fosters the use of the principles and techniques of modern management in the field of court and judicial administration
- * Endeavors to improve administrative practice and procedure in all state courts in South Dakota as well as increase the services received by the public.

FINANCING THE JUDICIAL SYSTEM

The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts.

In addition to state funding, city and county governments are required by state law to pay for certain court-related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript and interpreter costs, and attorney fees incurred while defending the indigent. Counties are also required to provide operational facilities for the court. Operational facilities include office space, courtrooms, jury rooms, and other space needed to support the court's operations. In addition, many counties maintain their own county law libraries, funded in part by a law library fee collected by the UJS on each civil filing made in circuit court.

FY2017 Expenditures

Chart 4. Budget Breakdown
FY2017 Expenditures by Program

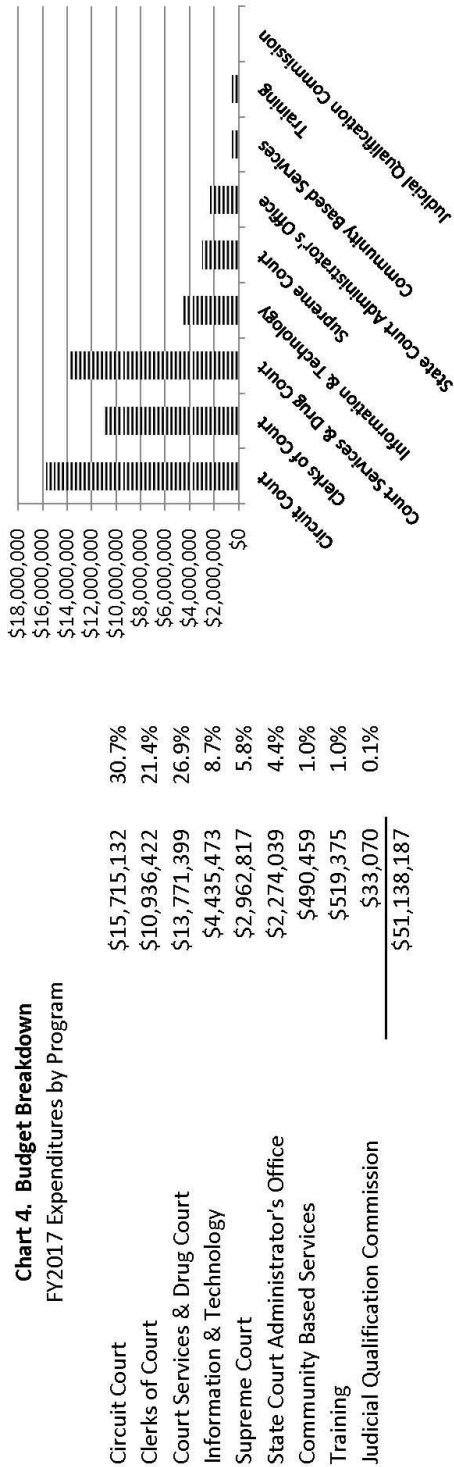
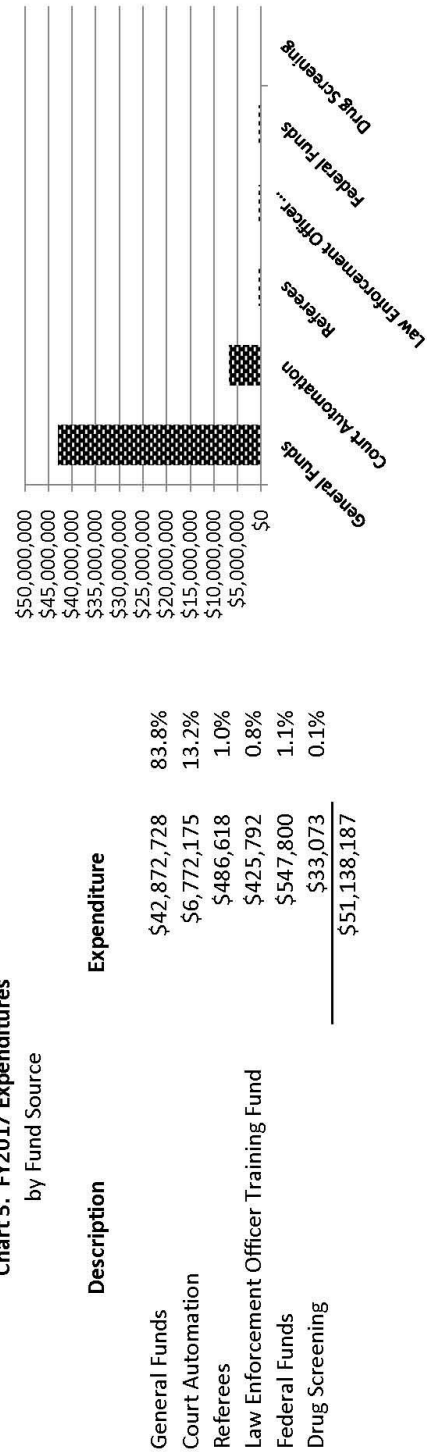


Chart 5. FY2017 Expenditures
by Fund Source



CIRCUIT COURT

Circuit courts are the state's trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven judicial circuits (map on following page), 43 circuit judges and 15 full-time magistrate judges and 1 part-time magistrate judge. Circuit court judges are elected by the voters within the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

7 Presiding Judges and 36 Circuit Court Judges in 7 Circuits (FY2017)

- * Original jurisdiction in all civil and criminal actions
- * Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts
- * Appellate jurisdiction over magistrate court decisions

MAGISTRATE COURT

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts have limited jurisdiction but make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judge

15 full-time and 1 part-time in 7 circuits (FY2017)

- * Committing magistrate for all courts

Conducts:

- * Preliminary hearings for all criminal prosecutions
- * Trials of criminal misdemeanor
- * Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000
- * Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000

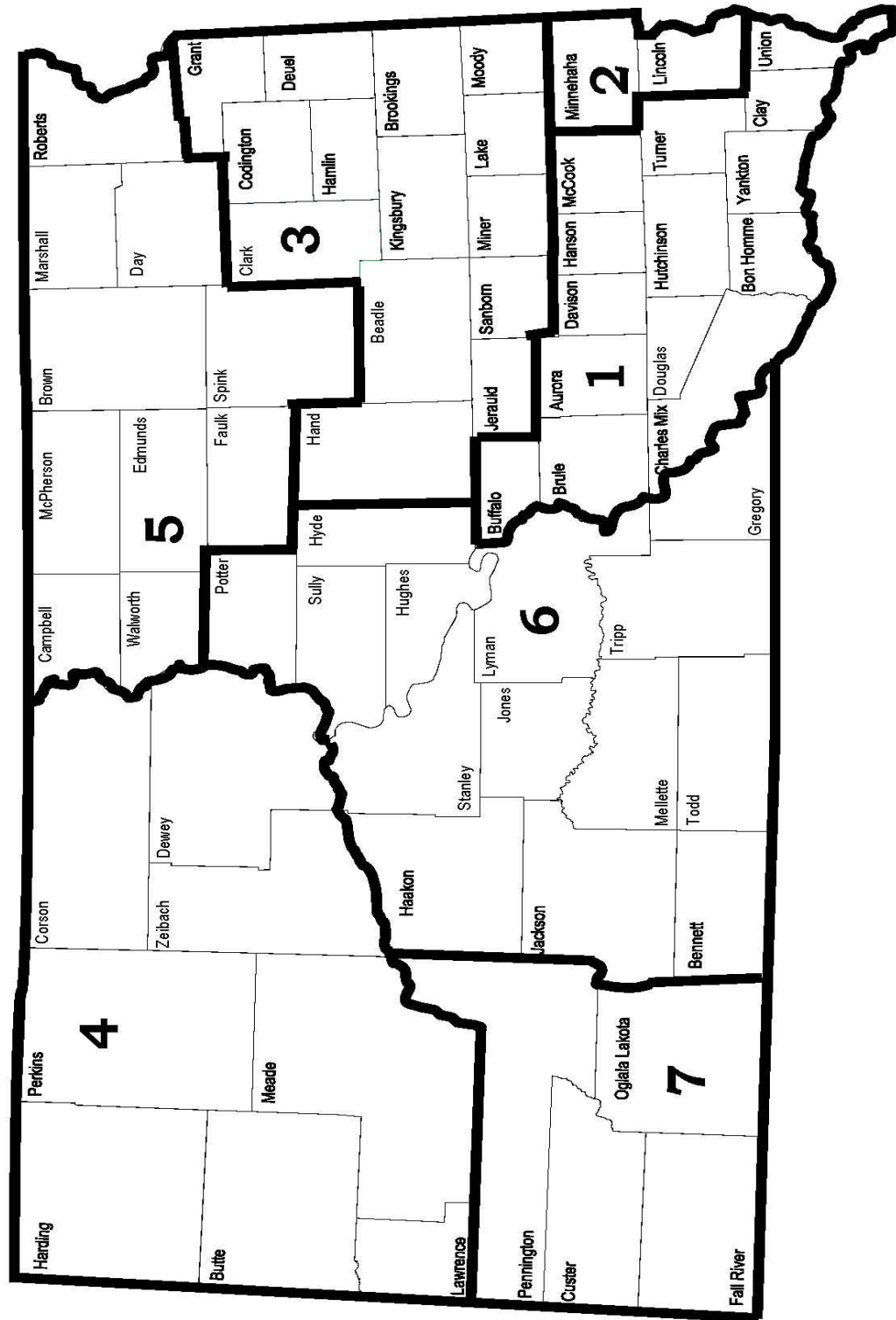
Clerk Magistrate

Functions usually performed by clerks

Concurrent jurisdiction with magistrate courts to:

- * Receive depositions
- * Issue warrants
- * Conduct certain preliminary hearings
- * Set bail
- * Appoint counsel
- * Accept pleas for Class 2 misdemeanors
- * Conduct hearings for petty offenses
- * Render judgments for uncontested small claims
- * Perform marriages

South Dakota Judicial Circuits and Counties



**Table 4. South Dakota Unified Judicial System
Statewide Workload**
Five-Year Caseload Filings

	FY2013 Filings	FY2014 Filings ²	FY2015 Filings	FY2016 Filings	FY2017 Filings
Class 2 Misdemeanor Non-Contested ¹ Filings	83,889	79,972	88,747	92,154	94,561
Class 2 Misdemeanor Contested ¹ Filings	20,779	25,241	23,576	22,291	19,670
Class 1 Misdemeanor Filings	20,645	20,518	20,979	22,055	21,884
Felony & Extradited Filings	9,023	9,413	10,392	10,800	11,512
TOTAL CRIMINAL	134,336	135,144	143,694	147,300	147,627
Divorce Filings	4,591	4,646	4,479	4,447	4,413
Protection Order Filings	4,399	3,995	4,352	4,647	4,589
Modification Proceedings/UIFSA Filings	7,017	7,561	7,059	7,376	7,342
Juvenile Dependency & Neglect Filings	698	600	608	567	562
Juvenile Delinquency & CHINS Filings	6,442	6,191	5,733	4,381	4,177
Juvenile Citations ³	N/A	N/A	N/A	N/A	2,643
Adoptions/Guardianships/Trusts Filings	1,268	960	869	1,554	1,327
Probate (Informal) Filings	2,239	2,183	2,321	2,108	2,202
Probate (Formal) Filings	255	256	261	253	260
Mental Illness & Drug & Alcohol Commitment Filings	3,902	4,297	4,730	5,005	4,789
Civil Filings	15,603	13,062	13,590	13,699	13,189
Small Claims Filings	26,553	25,852	28,903	27,701	28,916
Search Warrants	1,367	2,065	3,055	3,711	3,765
Administrative Appeals & Expungements	394	202	133	235	186
TOTAL CIVIL FILINGS	74,728	71,870	76,093	75,684	78,360
TOTAL CRIMINAL & CIVIL FILINGS	209,064	207,014	219,787	222,984	225,987
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	260	290	282	298	271
Record Searches & Money Judgment Searches	178,953	189,172	201,333	153,499	192,131
Passport Applications	871	829	962	629	724
Weddings	906	765	787	824	632

¹ Includes petty offense filings and municipal ordinance violations.

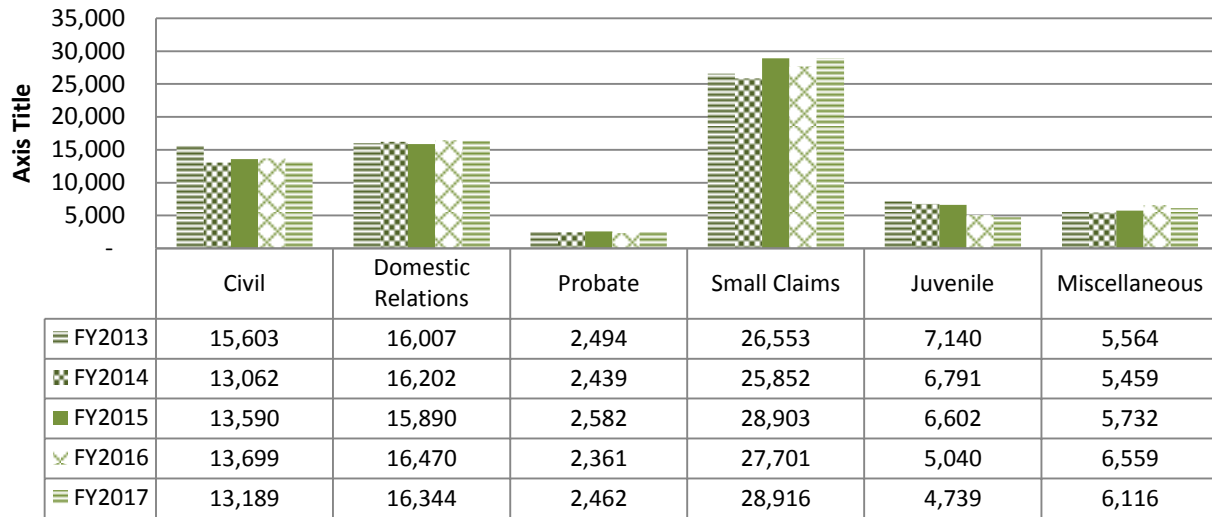
² Beginning in FY2014, statewide caseload filings reflect data from the new Odyssey Case Management System.

³ Beginning in FY2017, Juvenile Citations were included.

Civil Caseload

The following chart compares various types of civil (non-criminal) and juvenile caseload filings for the past five fiscal years.

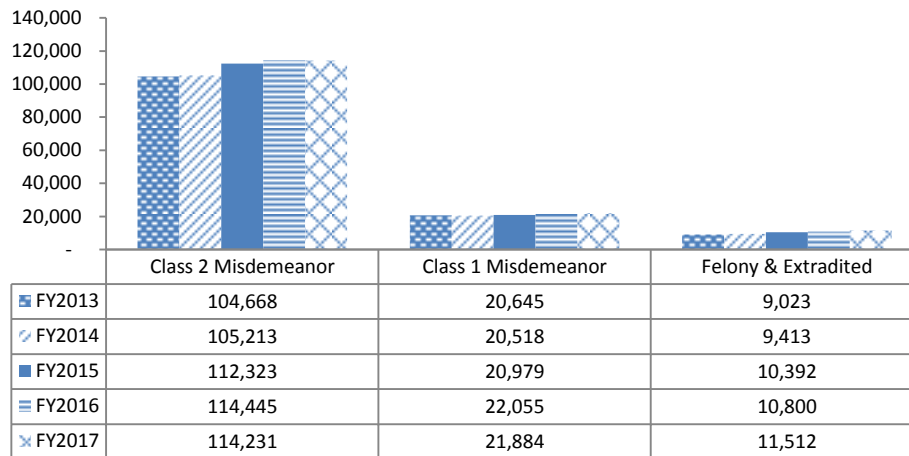
Chart 6. Civil Caseload Comparison



Criminal Caseload

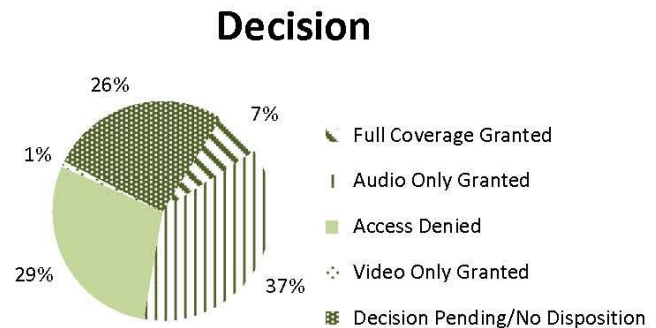
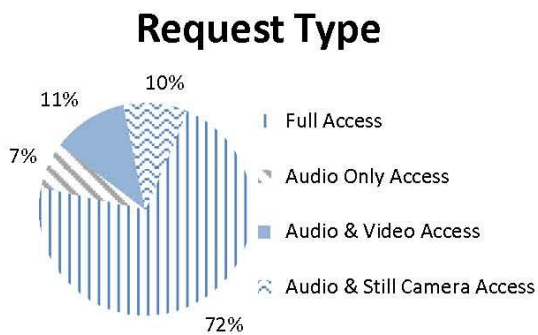
The following chart below compares criminal case filings for the past five fiscal years.

Chart 7. Criminal Caseload Comparison



**Table 5. Expanded Media Coverage Summary Statewide
South Dakota Unified Judicial System
FY2011 through FY2017 Combined**

CIRCUIT	1st	2nd	3rd	4th	5th	6th	7th	TOTAL
# of Requests Received	21	58	14	2	9	4	6	114
Request Type:								
Full Access	13	50	7	1	5	0	6	82
Audio Only Access	1	0	6	0	1	0	0	8
Audio & Video Access	4	7	0	0	0	2	0	13
Audio & Still Camera Access	3	1	1	1	3	2	0	11
Decision:								
Full Coverage Granted	0	5	2	0	0	1	0	8
Audio Only Granted	9	27	2	0	1	3	0	42
Access Denied	8	11	1	2	5	0	6	33
Video Only Granted	0	1	0	0	0	0	0	1
Decision Pending/No Disposition	4	14	9	0	3	0	0	30



The Supreme Court of South Dakota adopted court rules effective July 1, 2011, that allowed for the expanded media coverage of the trial courts in South Dakota. Under these rules expanded media coverage, consisting of audio, still photo or video coverage, is allowable when parties and the court all agree that such coverage should be permitted. In addition, audio only coverage of a proceeding is allowed when the court determines that such audio coverage is appropriate, even though all parties have not consented to expanded media coverage. Under either option certain proceedings are not subject to expanded media coverage, such as juvenile hearings and portions of other proceedings closed by state law. The judge also retains the power to terminate coverage if such action is determined appropriate. The Supreme Court has permitted expanded media coverage of its proceedings since 2001. Information above is a summary of the requests in the trial courts since 2011.

RECEIPTS

Chart 8 below shows various types of receipts for the past five fiscal years. (See *Appendix A* for definitions of receipt categories or the website for further receipt information by county and circuit).

Chart 8. Selected Receipts Compared:
***Court-Appointed Attorney Repayment,
Cash Fees and Restitution***

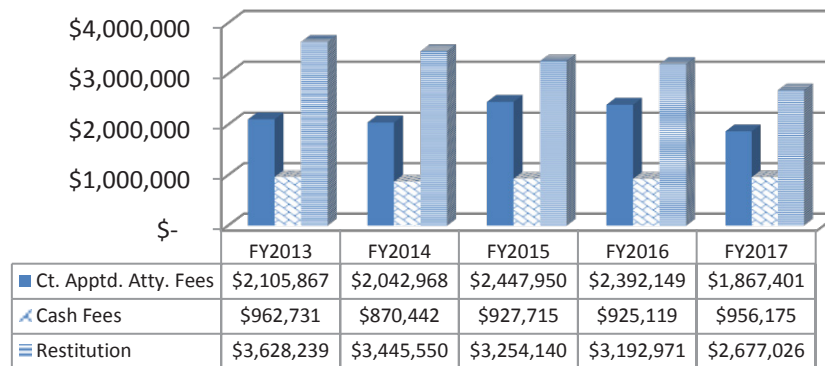
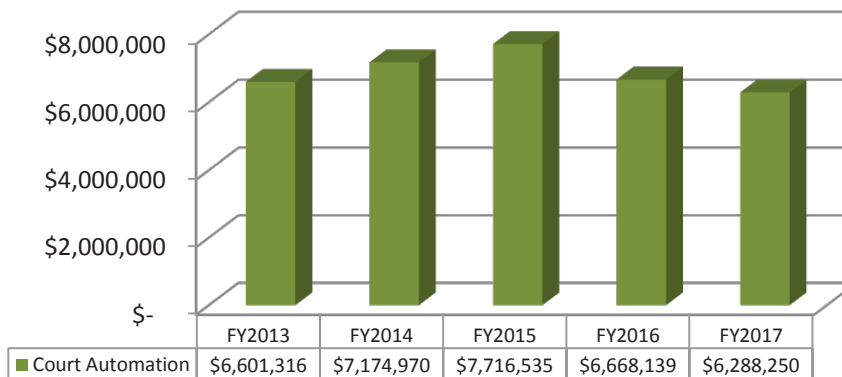


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs including development of the new statewide case management system.

Chart 9. Selected Receipts Compared:
Court Automation



DISBURSEMENTS

Charts on this page illustrate the volume of receipts disbursed by clerks of court.

Disbursements to cities are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines, forfeitures, and penalties and 100% of city costs. The remaining 35% is remitted to the state general fund.

Disbursements to the state include liquidated costs and the 35% of city fines mentioned above.

Disbursements to counties include state fines -- including funds returned to school districts in accordance with Article VIII, § 3, of the South Dakota Constitution -- costs, and forfeitures, and various fees for civil filings.

Chart 10. Selected Revenue Disbursements

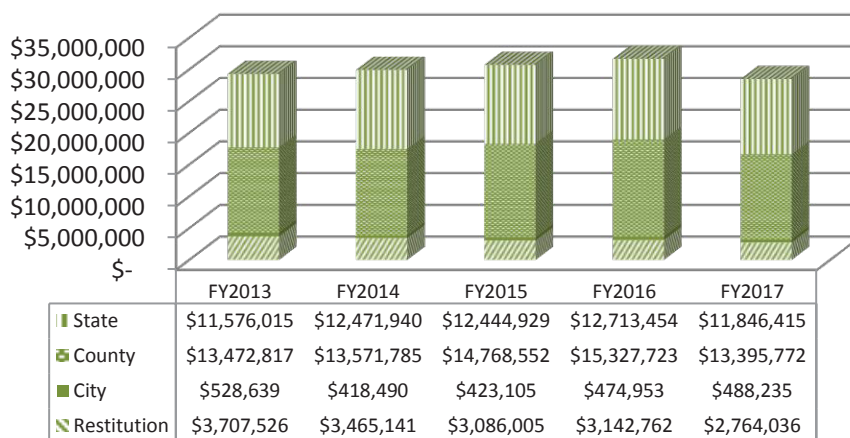


Table 6. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON

	FY2013	FY2014	FY2015	FY2016	FY2017
RECEIPTS					
ADULT COMPACT FEES	15,481	15,011	19,558	19,523	20,200
ALIMONY	132,476	3,123	2,135	12	562
CASH FEES	962,731	870,442	927,715	925,119	956,175
CHILD SUPPORT *	93,482	4,920	6,404	8,276	20,800
CITY COSTS	14,660	8,018	1,715	7,653	6,116
CITY FINES	621,303	607,374	664,379	701,221	746,866
CITY FORFEITURES	963	-	52	163	426
CITY PENALTIES	6,771	17,596	10,047	13,864	7,364
CIVIL PASS THROUGH	168,806	51,559	3,447	3,583	391,507
CIVIL PENALTIES	-	-	1,050	50	300
COLLECTIONS AGENCY PASS THROUGH	-	-	-	-	31,761
COUNTY COSTS	255,788	530,342	614,233	638,461	586,535
COUNTY FINES	10,155	8,624	10,494	9,193	10,043
COUNTY FORFEITURES	-	1,445	1,460	4,250	1,775
COUNTY PENALTIES	449	92	181	465	435
COURT APPOINTED ATTORNEY FEES **	2,105,867	2,042,968	2,447,950	2,392,149	1,867,401
DIVORCE FEES	126,198	125,010	120,827	124,513	121,500
DOMESTIC ABUSE SURCHARGE	11,159	15,294	16,721	17,840	14,889
DRAW DOWN ACCOUNTS	-	3,828,912	4,276,153	4,546,096	4,824,266
DRUG CONTROL FEE	-	94,557	133,924	139,671	115,434
DRUG TEST FEES AND MONITORING FEES	1,034,231	858,811	11,222	14,452	14,231
DUI COST	-	-	-	119,674	192,450
INTEREST-BEARING TRUST FUNDS	763,416	220,168	89,935	914	257
LAW LIBRARY FEES	145,645	127,288	133,054	137,615	158,205
LIQUIDATED COSTS	3,930,518	3,937,949	4,237,365	4,265,589	4,022,346
MARRIAGE FEES	18,080	15,300	15,740	16,240	12,450
MODIFICATION FEES	59,748	57,987	60,550	56,260	59,830
NSF CHECK CHARGES	6,723	5,621	5,190	6,341	6,008
OTHER-OVERPAYMENTS	3,205,936	51,525	20,167	21,647	21,578
PASSPORT FEES	21,775	20,725	24,050	19,150	18,303
PETTY OFFENSE	280,111	225,401	241,733	216,967	219,537
POSTAGE (SMALL CLAIMS)	195,660	189,088	220,150	226,550	302,259
POSTED BONDS	7,962,417	7,555,175	10,381,817	8,601,411	8,742,973
RESTITUTION	3,628,239	3,445,550	3,254,140	3,192,971	2,677,026
SEARCH FEE - LEOTF	-	-	-	1,015,989	956,945
SFPD - DRUG FEE	-	-	-	10,854	27,124
STATE COSTS	348,701	112,443	80,618	79,828	97,811
STATE FINES	8,966,373	8,543,243	9,165,259	9,150,775	7,971,397
STATE FORFEITURES	295,724	341,218	495,048	445,832	449,867
STATE PENALTIES	776,020	754,808	711,927	953,236	876,137
SURCHARGE-COURT AUTOMATION	6,601,316	7,174,970	7,716,535	6,668,139	6,288,250
SURCHARGE-VICTIM COMPENSATION	244,227	242,590	261,970	263,906	247,257
TRUST FUND	-	-	-	451,069	13,976
TOTAL RECEIVED	\$43,011,144	\$42,105,146	\$46,384,916	\$45,487,510	\$43,100,570
DISBURSEMENTS					
ALIMONY	132,476	1,000	4,258	12	562
BOND REFUNDS (Converted Bonds, Odyssey)	7,330,992	6,962,636	10,533,368	8,313,347	8,591,690
CHILD SUPPORT *	93,482	4,920	6,404	8,276	20,800
CIVIL PASS THROUGH	168,506	51,559	3,447	3,583	220,264
COLLECTIONS AGENCY PASS THROUGH	-	-	-	-	26,464
DRAW DOWN ACCOUNTS	-	3,779,937	4,296,975	4,370,656	4,783,247
INTEREST-BEARING TRUST FUNDS	247,447	610,000	195,603	640,531	-
OVERPAYMENTS	3,229,932	50,252	21,085	21,767	22,552
REMIT TO SFPD	-	-	-	9,095	25,712
REMITTED TO ATTORNEY GENERAL (DRUG FUND)	-	90,826	130,599	139,835	118,545
REMITTED TO CITY	528,639	418,490	423,105	474,953	488,235
REMITTED TO COUNTY	13,472,817	13,571,785	14,768,552	15,327,723	13,395,772
REMITTED TO STATE	11,576,015	12,471,940	12,444,929	12,713,454	11,846,415
RESTITUTION	3,707,526	3,465,141	3,086,005	3,142,762	2,764,036
SMALL CLAIMS POSTAGE	186,087	188,144	215,895	226,510	238,981
TRUST FUND	-	-	295,211	427,121	27,003
TOTAL DISBURSED	\$40,673,919	\$41,666,632	\$46,425,435	\$45,819,625	\$42,570,276

* Reduction in Child Support collection reflect statutory changes shifting collection responsibilities to Department of Social Services effective October 1, 1998.

** The Court Appointed Attorney Fees included on this page include only those amounts collected by the Unified Judicial System. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

Table 7. Court Services Activities - FY2013 to FY2017

SERVICE CATEGORIES	FY2013	FY2014	FY2015	FY2016	FY2017
Juvenile Service:					
PHSCS	371	422	233	119	147
90-Day Diversion Services Added	803	479	676	673	502
Placed on Probation During	2,297	2,117	1,777	1,323	1,465
Active Probation Cases at End of FY	1,728	1,621	1,156	649	647
Restitution Collected	\$218,416	\$181,106	\$154,667	\$115,720	\$100,424
Case Services Monitoring:					
Placed in Program During FY	222	222	284	220	139
Active Cases at End of FY	202	162	118	64	62
Interstate Compact Cases-In	34	13	20	19	16
Interstate Compact Cases-Out	40	46	43	25	16
Intensive Probation:					
Placed In Program During FY	158	158	108	180	138
Transferred In	9	8	13	0	0
Transferred Out	12	11	17	0	0
JIPP Unavailable	10	7	8	7	3
Successfully Completed Program	82	67	65	72	68
Failed Program and sent to DOC	66	72	59	42	20
Failed Program (Other)	9	11	14	34	64
Active Cases at End of FY	114	120	86	111	91
Adult Service, Misdemeanor:					
PSI Reports	226	112	127	87	105
Placed on Probation	603	665	532	361	370
On Probation at End of FY	886	832	722	630	569
Restitution Collected	\$1,414,065	\$1,230,641	\$1,126,246	\$944,669	\$719,839
Adult Service, Felony:					
PSI Reports	2,432	2,722	2,986	3,099	3,037
Placed on Probation	2,082	2,554	3,157	3,106	3,367
On Probation at End of FY	4,339	4,849	5,528	5,708	5,874
Restitution Collected	\$1,995,970	\$1,863,493	\$1,800,539	\$1,029,776	\$880,026
Case Services Monitoring Program (F&M):					
Placed in Program	750	484	614	481	118
Active Cases at End of FY	1,457	1,419	1,466	1,272	466
Adult Interstate Compact Caseload (F&M):					
Total Placed on Probation - In & Out	339	265	244	240	301
On Probation at End of FY	925	997	1054	1070	1142

STANDARD PROBATION SUPERVISION COSTS

Court Services Department FY 2017 (Personal, Operating, Community Based & Juvenile Home Based Services)

113 Court Services Officers

Juvenile Cases under supervision as of 6/30/2017	830
Adult cases under supervision as of 6/30/2017	8,055
Total	<u>8,885</u>

147 Juvenile Social Histories (11 hours per)
3036 Adult Felony Pre-Sentence Investigations (11 hours per)
105 Misdemeanor Pre-Sentence Investigations (3 hours per)

FY 2017 Expenditures (actual)	
Personal Services	\$9,309,892
Operating Services	557,613
Community Based Services	485,834
Juvenile Home Based Services	1,985
Miscellaneous Grant Items	2,641
Total	<u>\$10,357,965</u>

Cost per Court Services Officer hour = \$44.07
Cost per Social History = \$484.77
Cost per Felony Pre-Sentence Investigation = \$484.77
Cost per Misdemeanor Pre-Sentence Investigation = \$132.21

Total Cost of Prepared Reports for FY 2017	\$ 1,556,905
Cost for Supervision for FY 2017	\$ 8,801,060

STANDARD PROBATION SUPERVISION COSTS (Cont.)

Average Daily Cost of Standard Probation Supervision FY 2017

Adult

- Intensive Probation \$14.10 per day
- High Supervision (1.62 hours per month) \$ 3.30 per day
- Medium Supervision (1.17 hours per month) \$ 2.40 per day
- Low Supervision (0.44 hours per month) \$.89 per day
- Administrative Supervision (0.27 hours per month) \$.55 per day
- Case Service Monitoring (0.09 hours per month) \$.18 per day

Juvenile

- Intensive Probation \$17.62 per day
- High Supervision (1.78 hours per month) \$ 3.62 per day
- Medium Supervision (1.63 hours per month) \$ 3.14 per day
- Low Supervision (0.71 hours per month) \$ 1.44 per day
- Administrative Supervision (0.33 hours per month) \$.67 per day
- Informal Diversion Case (0.23 hours per month) \$.46 per day
- Case Service Monitoring (0.10 hours per month) \$.20 per day

**Average Cost of Supervision – All Categories
\$3.81 per day**

A map of South Dakota divided into 17 judicial districts. The districts are numbered 1 through 7. The map includes the following districts and their locations:

- District 1:** Includes Lincoln, Union, Clay, Bon Homme, Yankton, Turner, Hutchinson, Hanson, McCook, and Minnehaha.
- District 2:** Includes Lincoln, Union, Clay, Bon Homme, Yankton, Turner, Hutchinson, Hanson, McCook, and Minnehaha.
- District 3:** Includes Clark, Spink, Beadle, Kingsbury, Hamlin, Deuel, Grant, and Codington.
- District 4:** Includes Perkins, Meade, Butte, Lawrence, Pennington, Custer, and Fall River.
- District 5:** Includes Marshall, Day, Brown, McPherson, Edmunds, Faulk, Hand, Hyde, Sully, Stanley, Hughes, Lyman, Jones, Mellette, Todd, Bennett, Jackson, Haakon, Ziebach, Dewey, Potter, Walworth, Campbell, and Corson.
- District 6:** Includes Stanley, Hughes, Lyman, Jones, Mellette, Todd, Bennett, Jackson, Haakon, Ziebach, Dewey, Potter, Walworth, Campbell, and Corson.
- District 7:** Includes Pennington, Custer, and Fall River.

Legend:

- Drug Court
- Drug & DUI Court Combined
- Veterans Court
- DUI Court

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APPENDIX A

Definitions of Receipt Categories

Adult Compact Fees: A fee of \$50.00 charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

Alimony Payments: An allowance for support made under court order to a legally separated or divorced person by the former provider. Monies received are receipted and disbursed to the person as provided by the court order.

Cash Fees: Fees charged for filing various civil actions. This money is paid into the county general fund.

Child Support: Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Effective October 1, 1998, all child support payments made as a result of a new or modified court order will be processed through the South Dakota Department of Social Services.

Child Support Modification Fees: A \$50 fee for any petition or motion to modify a child support order. This fee is deposited into the "equal access to our courts" fund to be awarded as grant funds to legal services entities.

City/County Fines/Penalties: Fines/penalties collected for city/county ordinance violations. City/county fines/penalties are paid into the city/county general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

City/County Costs: Costs levied in conjunction with city/county fines as reimbursement to the city/county for an identifiable amount spent by the city/county in prosecuting a case. These funds are paid into the city/county general fund.

City/County Forfeitures: Forfeitures of bail bonds posted for violations of city/county ordinances. These funds are paid into the city/county general fund (65%) and state general fund (35%).

Victims Compensation Fund: A charge of \$2.50 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

Court-Appointed Attorney Fees: Costs recovered from defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasury.

Divorce Fees: A fee of \$50.00 charged for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

Draw Down Accounts: Deposit accounts created by law firms, businesses and other individuals to pay for filing fees, small claims fees, postage, record searches and other miscellaneous charges.

Drug Control Fee: Fees paid to the Attorney General to be deposited in the Drug Control Fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

Drug Testing and Monitoring Fees: Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

DUI Costs: (32-12-48): If a defendant is convicted driving under the influence, at the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application for a driver license, accompanied by a fee of seventy-five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7.

Interest-Bearing Trust Funds: Interest-bearing money deposited with a clerk pending a decision regarding ownership.

Law Library Fee: A fee of \$2.00 or \$5.00 charged in addition to the civil case filing fee and used to support the county law library.

Liquidated Costs: 23-3-53. Collection by clerk of courts--Transmittal to state treasurer--Disposition. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit such amount monthly to the state treasurer. The state treasurer shall place thirty dollars of the forty dollar fee into the law enforcement officers training fund, six dollars of the forty dollar fee into the court appointed attorney and public defender payment fund, two dollars of the forty dollar fee into the court appointed special advocates fund, one dollar of the forty dollar fee into the 911 telecommunicator training fund, and one dollar of the forty dollar fee into the abused and neglected child defense fund.

Marriage Fees: Fees collected for processing marriage license applications. These funds are paid into the state general fund.

APPENDIX A (Cont.)

Modification Petitions and Motions Fees (Except Title 28 benefits): A fee of \$50.00 for modification filings. These funds are paid into the state general fund.

NSF Check Charges: A fee of \$30.00 charged to a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

Other-Overpayments: Collections that do not fit any of the foregoing categories.

Passport Fees: 16-2-27.1. Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

Petty Offense Judgment: A judgment of \$20.00 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

Postage-Small Claims: Postage fees charged for processing small claims actions.

Posted Bonds: Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until the legal owner is determined or located. Court appointed attorney fees are posted as pre-payment for future CAAF costs incurred.

Restitution: Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

State Costs: Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

State Fines/Penalties: Fines/penalties collected for violation of state laws. These fines/penalties are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Forfeitures: Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

Surcharge-Court Automation Fund: 16-2-39. A fee on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule (updated June 30, 2015):

Civil actions, probate proceedings, other judicial proceedings	\$40.00	All Class 2 misdemeanors (violation of state law)	\$23.50
Small claims where the amount in controversy is: \$0 to \$3,999.99	\$12.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$16.00	All violations of administrative rules with criminal penalties	\$17.50
All felony criminal cases	\$61.50	All appeals, original actions or other actions filed with the Supreme Court	\$50.00
All Class 1 misdemeanors	\$41.50		

--Electronic Filing Fees: A fee of \$1.00 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing electronic transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

--Record Searches: 16-2-29.5. A fee of \$20.00 for each name search of court records if the search is requested by a person who is not a party named in a state or federal action. \$15.00 of the \$20.00 fee goes to the Court Automation Fund and \$5.00 goes to the law enforcement officers training fund. A fee of \$5.00 for each name search of court records if the search is being conducted in conjunction with a state or federal court action and the person making the records search request so certifies.

--Web Judgment Searches: A fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

--Non-Resident Attorney Admissions: A \$100.00 portion of the \$200.00 admission fee and the remaining \$100.00 portion is paid to the state bar.

Surcharge-Victims Compensation Fund: A fee of \$25.00 assessed to any defendant convicted of a crime involving domestic violence or domestic abuse. This money is paid to the county domestic violence program fund.

**Most receipts according to SDCL 16-2-29, unless otherwise noted.*

APPENDIX B

<http://ujis.sd.gov>

Visit the UJS website for further information

Bench Personnel by Judicial Circuit
Court Appointed Attorney Costs
Expenditures & Repayment for Court Appointed Attorney Costs
Civil Caseload Detail
Protection Order Filings
Abuse & Neglect Petitions
Criminal Caseload Detail
DUI Cases
Traffic Violations Summary
Insufficient Funds
Failure to Maintain Financial Responsibility Arrests (No proof of insurance)
Tobacco Violations
Court Services Detail

Compiled and Published by
The State Court Administrator's Office
Pierre, South Dakota
November 2017

Any questions or comments regarding the Annual Report should be directed to the State Court Administrator's Office, 500 East Capitol Avenue, Pierre, SD 57501-5070.

200 copies of this publication were printed by the Unified Judicial System at a cost of \$8.50 per copy.

